

### **Listing of Claims**

This listing of the claims will replace all prior versions, and listings, of claims in this application.

1-2. (Cancelled)

3. (Currently Amended) An isolated *Corynebacterium glutamicum* nucleic acid molecule selected from the group consisting of those sequences set forth in Appendix A, or a portion thereof, provided that the nucleic acid molecule does not consist of any of the F-designated genes set forth in Table 1:
- a) an isolated nucleic acid molecule comprising the nucleotide sequence set forth in SEQ ID NO:5, or a complement thereof;
  - b) an isolated nucleic acid molecule which encodes a polypeptide comprising the amino acid sequence set forth in SEQ ID NO:6, or a complement thereof;
  - c) an isolated nucleic acid molecule which encodes a naturally occurring allelic variant of a polypeptide comprising the amino acid sequence set forth in SEQ ID NO:6, or a complement thereof;
  - d) an isolated nucleic acid molecule comprising a nucleotide sequence which is at least 50% identical to the entire nucleotide sequence set forth in SEQ ID NO:5, or a complement thereof; and
  - e) an isolated nucleic acid molecule comprising a fragment of at least 15 contiguous nucleotides of the nucleotide sequence set forth in SEQ ID NO:5, or a complement thereof.

4-8. (Cancelled)

9. (Currently Amended) An isolated nucleic acid molecule comprising the nucleic acid molecule of claim 3 or a portion thereof and a nucleotide sequence encoding a heterologous polypeptide.
10. (Currently Amended) A vector comprising the nucleic acid molecule of claim 3 or 9[[1]].
11. (Original) The vector of claim 10, which is an expression vector.

12. **(Original)** A host cell transfected with the expression vector of claim 11.
13. **(Original)** The host cell of claim 12, wherein said cell is a microorganism.
14. **(Original)** The host cell of claim 13, wherein said cell belongs to the genus *Corynebacterium* or *Brevibacterium*.
15. **(Original)** The host cell of claim 12, wherein the expression of said nucleic acid molecule results in the modulation in production of a fine chemical from said cell.
16. **(Original)** The host cell of claim 15, wherein said fine chemical is selected from the group consisting of: organic acids, proteinogenic and nonproteinogenic amino acids, purine and pyrimidine bases, nucleosides, nucleotides, lipids, saturated and unsaturated fatty acids, diols, carbohydrates, aromatic compounds, vitamins, cofactors, polyketides, and enzymes.
17. **(Original)** A method of producing a polypeptide comprising culturing the host cell of claim 12 in an appropriate culture medium to, thereby, produce the polypeptide.
- 18-24. **(Cancelled)**
25. **(Withdrawn – Currently Amended)** A method for producing a fine chemical, comprising culturing ~~the cell containing a vector~~ [[a]]the cell of claim 12 such that the fine chemical is produced.
26. **(Withdrawn)** The method of claim 25, wherein said method further comprises the step of recovering the fine chemical from said culture.
27. **(Cancelled)**
28. **(Withdrawn)** The method of claim 25, wherein said cell belongs to the genus *Corynebacterium* or *Brevibacterium*.
29. **(Withdrawn)** The method of claim 25, wherein said cell is selected from the group consisting of: *Corynebacterium glutamicum*, *Corynebacterium herculis*, *Corynebacterium lilium*, *Corynebacterium acetoacidophilum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetophilum*, *Corynebacterium ammoniagenes*, *Corynebacterium fujiokense*, *Corynebacterium nitrilophilus*, *Brevibacterium ammoniagenes*, *Brevibacterium*

*butanicum*, *Brevibacterium divaricatum*, *Brevibacterium flavum*, *Brevibacterium healii*, *Brevibacterium ketoglutamicum*, *Brevibacterium ketosoreductum*, *Brevibacterium lactofermentum*, *Brevibacterium linens*, *Brevibacterium paraffinolyticum*, and those strains set forth in Table 3.

30. **(Withdrawn)** The method of claim 25, wherein expression of the nucleic acid molecule from said vector results in modulation of production of said fine chemical.
31. **(Withdrawn)** The method of claim 25, wherein said fine chemical is selected from the group consisting of: organic acids, proteinogenic and nonproteinogenic amino acids, purine and pyrimidine bases, nucleosides, nucleotides, lipids, saturated and unsaturated fatty acids, diols, carbohydrates, aromatic compounds, vitamins, cofactors, polyketides, and enzymes.
32. **(Withdrawn)** The method of claim 25, wherein said fine chemical is an amino acid.
33. **(Withdrawn)** The method of claim 32, wherein said amino acid is drawn from the group consisting of: lysine, glutamate, glutamine, alanine, aspartate, glycine, serine, threonine, methionine, cysteine, valine, leucine, isoleucine, arginine, proline, histidine, tyrosine, phenylalanine, and tryptophan.
34. **(Withdrawn – Currently Amended)** A method for producing a fine chemical, comprising culturing a cell whose genomic DNA has been altered by the inclusion of a nucleic acid molecule of ~~any one of claims 1-7~~claim 3.
35. **(Withdrawn – Currently Amended)** A method for diagnosing the presence or activity of *Corynebacterium diphtheriae* in a subject, comprising detecting the presence of a nucleic acid molecule of claim 3~~one or more of the sequences set forth in Appendix A or Appendix B in the subject, provided that the sequences are not or are not encoded by any of the F-designated sequences set forth in Table 1~~, thereby diagnosing the presence or activity of *Corynebacterium diphtheriae* in the subject.
36. **(Currently Amended)** A host cell comprising a nucleic acid molecule comprising the nucleotide sequence set forth in SEQ ID NO:5~~selected from the group consisting of the nucleic acid molecules set forth in Appendix A~~, wherein the nucleic acid molecule is disrupted.

37. **(Currently Amended)** A host cell comprising a nucleic acid molecule comprising the nucleotide sequence set forth in SEQ ID NO:5~~selected from the group consisting of the nucleic acid molecules set forth in Appendix A~~, wherein the nucleic acid molecule comprises one or more nucleic acid modifications as compared to the nucleotide sequence as set forth in SEQ ID NO:5 ~~from the sequence set forth in Appendix A~~.
38. **(Currently Amended)** A host cell comprising a nucleic acid molecule comprising the nucleotide sequence set forth in SEQ ID NO:5~~selected from the group consisting of the nucleic acid molecules set forth in Appendix A~~, wherein the regulatory region of the nucleic acid molecule is modified relative to the wild-type regulatory region of the molecule.